

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

RONALD EUGENE HAINEY,)	
)	
Plaintiff,)	
)	
vs.)	Case Number CIV-07-205-C
)	
MARTY SIRMONS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendations entered by the United States Magistrate Judge on December 27, 2007 and January 7, 2008. The court file reflects that no party has objected to either Report and Recommendation within the time limits prescribed. Therefore, the Court adopts each Report and Recommendation in its entirety.

Accordingly, the Report and Recommendations of the Magistrate Judge are adopted. Plaintiff's claims against Mr. Anderson for declaratory relief is DISMISSED as moot. Plaintiff's claims against Mr. Anderson in his official capacity are DISMISSED without prejudice. Mr. Anderson's Motion for Summary Judgment on the personal capacity claims for damages is GRANTED. Plaintiff's claims against Ms. Guilfoyle and Mr. Ward for declaratory judgment, the claims brought against these Defendants in their official capacities and against these Defendants in their personal capacities as to Count One are DISMISSED without prejudice. Additionally, the Motions for Summary Judgment of Defendants

Guilfoyle and Ward are GRANTED to the extent they challenge the personal capacity claims brought in Count Two of Plaintiff's Complaint. A judgment will enter at the conclusion of the case. This matter is again referred to Magistrate Judge Bacharach for pretrial management.

IT IS SO ORDERED this 26th day of February, 2008.



ROBIN J. CAUTHRON
United States District Judge